

Delegated Report

Planning Ref: 23/01218/FUL

Applicant: DG DEVELOPMENTS LTD.

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Hill Farm, Markfield Lane, Botcheston

Proposal: Conversion of agricultural building to dwelling and access

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application is for the conversion of an agricultural building to a dwelling with associated access.

3. Description of the site and surrounding area

- 3.1. The application site is a former agricultural building, located outside the settlement boundary of Botcheston in the countryside. The site is bound to the South by existing residential development. The site consists of a number of disused agricultural buildings.

4. Relevant planning history

21/01092/P3CQ

- Application to determine if prior approval is required for a proposed change of use of agricultural buildings to dwelling houses (Class C3) and for building operations reasonably necessary for the conversion
- GDO Prior Approval Given
- 04.11.2021

21/01141/FUL

- Conversion of agricultural building to dwelling, including single storey extension.
- Planning permission granted
- 28.04.2022

22/00712/FUL

- Conversion of agricultural building to dwelling, including single storey extension. (resubmission of 21/01141/FUL)
- Planning permission granted
- 05.10.2022

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site and letters sent to neighbours.
- 5.2. No comments have been received.

6. **Consultation**

- 6.1. LCC Highways: No objections to proposal, standing advice.
- 6.2. HBBC Waste Management: No objections, condition and one note to applicant.
- 6.3. HBBC Drainage: No objections, notes to applicant.
- 6.4. HBBC Environmental Health – Pollution: No objections, one condition.
- 6.5. Desford Parish Council: Objection to the scheme, development in countryside.

7. **Policy**

7.1. **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

- 8.4. The application site is located outside the settlement boundary of Botcheston and is therefore sited within open countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. Policy DM4 supports the re-use of buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses, and therefore the proposal is considered acceptable.
- 8.7. Policy DM15 supports the re-use and/or adaption of redundant or disused rural buildings where:
- a) The applicant demonstrates the building is no longer viable in its current use;
 - b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
 - c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
 - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- All development proposals for the re-use of redundant rural buildings should result in the enhancement of the immediate setting
- 8.8. The change of use from agricultural to residential has been considered and approved under planning application 21/01092/P3CQ. This is considered to be a realistic fall-back position for the applicant whereby residential development is considered acceptable.

Design and impact upon the character of the area

- 8.9. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.10. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.11. The proposal seeks the conversion of an agricultural building to a residential dwelling. The overall design of the proposed conversion and external works is considered acceptable in its appearance when considering the existing agricultural

unit and neighbouring properties. The property is not highly visible from public vantage points and therefore it is not considered to cause detrimental impacts to the character of the area.

- 8.12. Details of the proposed external materials has been suggested within the application form as to be agreed, and as such a condition requiring sample materials to be submitted has been included. Overall, it is considered that the proposal would have limited detrimental impacts on the character of the area and is acceptable in terms of its overall design. The proposal is considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.14. The proposed development is well contained within the site and is located sufficiently away from Markfield Lane. The development retains the massing from the original agricultural building and as such would not lead to further detrimental impacts on neighbouring residential amenity in terms of loss of light, overshadowing or overbearing impacts.
- 8.15. In addition, the proposal, including the external amendments, has been designed as such to ensure that the proposed windows and doors do not lead to a detrimental impact upon neighbouring residential amenity in terms of loss of privacy and overlooking impacts.
- 8.16. Overall, the proposed development would not cause detrimental impacts to neighbouring residential amenity and as such is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.20. The application proposes the change of use of an existing agricultural barn to a residential dwelling. LCC Highways confirmed they have no objections and referred to their standing advice. It is considered that through the proposed change that no detrimental impacts would occur to highway safety and in addition, a sufficient level of off-street car parking has been proposed to cater for the development.
- 8.21. Overall the proposal would not result in adverse impacts upon highways safety and would be on in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Conclusion**

- 10.1. The proposal would not have any significant adverse impacts upon residential amenity, the character of the area and subject to conditions would not have an impact on vehicular or pedestrian safety. It is considered that the proposed development would be in accordance with Policies DM4, DM10, DM17 and DM18 of the SADMP. Therefore, the proposal is recommended for approval subject to conditions.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Planning and Design Statement
Location Plan Drg No. 5092/G/20/001 Rev C
Topographical Survey Drg No. 5092/G/20/002 Rev A
Proposed Site Plan Drg No. 5092/G/20/300 Rev E
Proposed Access Plan Drg No. 5092/G/20/304
Proposed Elevations and Roof Plan Drg No. 5092/G/20/302 Rev D
Proposed Ground and First Floor Plans Drg No. 5092/G/20/301 Rev H
Phase 1 Land Contamination Risk Assessment
Phase II Analysis Results
Phase II Ground Investigation Report
Phase III Remediation Strategy and Verification Plan

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that adequate provision for waste and recycling containers and collection is afforded, ensuring that the visual amenity of the area is safeguard in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with Proposed Site Plan As Proposed Detail, drawing number 5092/G/20/300 Rev E. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements including visibility splays of 2.4 metres by 66 metres to the west and 2.4 metres by 42 metres to the east of the access as demonstrated on Proposed Access Plan Drg No. 5092/G/20/304 have been implemented in full. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

7. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

8. No development shall take place until details of the material used upon the external elevations of the hereby approved conversion are submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. Please note, the collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please ensure there is adequate space on the property to store the waste containers and also space at the kerbside (where the property meets the public highway) for the placement of the containers on collection day. We do not travel along or collect from private roads or driveways. It would be advisable to include an area near to the roadside for safe placement of the various containers on collection day, up to two bins per property. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point and returned back to private property after collections have taken place, please ensure occupiers are advised of the procedure and bin collection point.